



February 27, 2004

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In re application of:
Kinzler et al. DECISION ON PETITION
Serial No.: 09/966,724
Filed: October 1, 2001
For: AMPLIFICATION OF MDM2 GENE OF HUMAN MDM2 GENE IN
HUMAN TUMORS

This is a decision on the petition received on December 5, 2003, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Application mailed December 12, 2001. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned February 13, 2002. The notice of abandonment was mailed on November 21, 2003.

On December 5, 2003, the office received a communication from the attorney of record. Enclosed was an acknowledgement that the attorney never received the Notice to File Missing Parts mailed December 12, 2001.

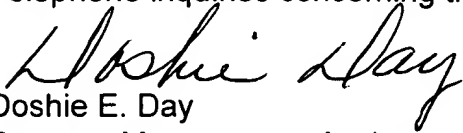
The evidence submitted is sufficient to establish that the petitioners never received the Notice to File Missing Parts mailed December 12, 2001.

The petition is hereby Granted.

Enclosed is new Notice to File Missing Parts giving counsel 2 months from the date of the notice to respond.

The office regrets any inconvenience this may have caused the client.

Telephone inquiries concerning this matter may be directed to Doshie E. Day (703) 308-3640.


Doshie E. Day
Program Management Assistant
Office Initial Patent Examination

Enclosure: 1